

1 wrong.

2 A. That is correct, because I was informed when I
3 was hired by CSC, my offer letter says I would
4 participate in that program. Every year I participated
5 in that program, until somebody told me I wasn't
6 participating in that program, I would assume that I was,
7 yes.

8 Q. You understood there was no guarantee that you
9 could continue to participate in the program?

10 A. I believe that I understand that the program is
11 reviewed and individuals who are not to be in the program
12 are informed that they will no longer participate in the
13 program. Yes.

14 Q. You understood that the company does not
15 guarantee participation in the program.

16 A. I do understand they can remove people from the
17 program as they see fit, yes.

18 Q. You understand that people can be removed from
19 the program midyear?

20 A. Yes, I do. I also understand that when that's
21 done, they prorate the payments when that happens.

22 Q. Are you aware of anybody that's ever had a
23 prorated payment?

24 A. Yes, I have.



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1 Q. Who's that?

2 A. There was a guy I know by the name of
3 Steve Quinn who left CSC midyear and received a payment
4 in the same time frame everybody else did, which is
5 approximately the May/June time frame of the following
6 year, after he was gone from CSC for about six months or
7 so. For the time he was participating in the program.

8 Q. Is that the only person that you know of that
9 received a prorated payment?

10 A. That I personally know, yes.

11 Q. Was there anybody that you know of but not
12 personally?

13 A. No. That's the only one I know specifically
14 of.

15 Q. That's the only name you ever heard of anybody
16 that's ever been prorated, correct?

17 A. That I personally have heard of, yes, that's
18 correct.

19 Q. What do you mean that you personally heard of?
20 Are there other people that you heard of?

21 A. No. I believe that there have been others in
22 the same situation that have left. I know there's been a
23 lot of people that were eligible that left that I assume
24 the same thing would have happened, but I don't know that



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1 personally.

2 Q. How do you know that Steve Quinn received
3 something after he left?

4 A. Because I know him personally. I had lunch
5 with him at some point in time. He said, "By the way,
6 guess what?"

7 Q. "I got an AMIP"?

8 A. Yes.

9 Q. What did Steve Quinn leave the company to do?

10 A. I know him with somebody else and we were at
11 lunch with him. I know him somewhat. So he went off to
12 do some other things.

13 Q. He just told you this?

14 A. We were at lunch with a small group of people.

15 Q. What was his position while he was at CSC?

16 A. He was a senior finance person doing
17 finance-pricing-type things for CSC.

18 Q. In what group?

19 A. In the pricing -- within the DuPont account,
20 but in the pricing finance area.

21 Q. What was his level in the company?

22 A. I don't know exactly. I believe it was 5 or 6.

23 Q. Do you know?

24 A. Not specifically, no, I don't.



1 Q. Do you know if he quit the company or was
2 terminated?

3 A. I believe he was in part of one of the
4 reduction-of-force programs at CSC.

5 Q. So he was laid off?

6 A. So he was laid off, I believe, yes.

7 Q. Do you know if the company provided prorated
8 payments to people that were laid off, if that was part
9 of the company's practice or policy?

10 A. I do not know.

11 Q. There are policies of the company that are
12 published on the Internet, correct?

13 A. Correct.

14 Q. Including policies related to the compensation
15 and employee handbooks, correct?

16 A. Yes, there sure is.

17 Q. And policies related to the Chemical Group,
18 correct?

19 A. Yes.

20 Q. And you had access to all those policies?

21 A. Yes.

22 Q. Do you have any of those policies with you
23 today?

24 A. No, I do not.



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1 Q. When was the last time you reviewed those
2 policies?

3 A. Possibly in preparation in general for the
4 lawsuit. There's some stuff around the AMIP's management
5 program.

6 Q. Some of those policies are on the Internet, but
7 some are distributed in printed form and some are
8 distributed by e-mail and some are distributed via Human
9 Resources?

10 A. All of the above, yes.

11 Q. By the way, what position -- maybe you told me
12 this, that you don't know what position Steve held?

13 A. I don't know.

14 Q. You said you think he was laid off. Do you
15 know if he had another position to go to?

16 A. I do not know.

17 Q. Do you know how much his AMIP was?

18 A. I don't know.

19 Q. How do you know it was prorated?

20 A. He said he got -- his comment was "I got paid
21 for the time I was there."

22 Q. Did he say anything about an AMIP?

23 A. Yes.

24 Q. What did he say?



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1 A. That "I got a payout from my AMIP when I was
2 there till I got laid off."

3 Q. I think I have asked you this, but I want to
4 make sure. That's the only person that you're aware of
5 that ever received a prorated payment of AMIP, correct?

6 A. Other than myself?

7 Q. You mean because you received it for the
8 following year?

9 A. Right. Yes. And everybody that joined from
10 DuPont also received a prorated payment when we joined,
11 too, because of the timing.

12 Q. Let me just lay this out. The only person that
13 received a prorated AMIP payment for a portion of a year
14 other than the plaintiffs in this case is Steve Quinn,
15 correct?

16 A. That I know of, yes.

17 Q. And the plaintiffs in this case, including
18 yourself, you're saying received prorated AMIP payments
19 when you came into the company from DuPont?

20 A. Anybody that came from DuPont -- because of the
21 timing of when we came in, the first year was prorated.

22 Q. The first year the company granted the full
23 year's worth of AMIP credit?

24 A. No. They paid us for the proration of when we



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1 came in.

2 Q. I'm sorry.

3 A. The company. So we did not receive a full
4 year's payment the first year we joined.

5 Q. For what period of time did you not receive an
6 AMIP payment for?

7 A. I believe it would be from their April 1st
8 through -- I believe we started the end of May. It would
9 have been a two-month period.

10 Q. How do you know that it was prorated in that
11 sense?

12 A. Again, we had an eligibility percent and it was
13 paid -- the delta there.

14 Q. Am I correct that you received worksheets every
15 year when your AMIP payment was made?

16 A. We received worksheets some years. Not every
17 year. It was at some point before the payment was made.

18 Q. Shortly before the payment was made?

19 A. They got better at it because the HR approach
20 was to try to make sure people understood the incentive
21 at the beginning of the year. They rarely -- they never
22 achieved setting those objectives out early in the
23 program.

24 Q. Is it fair to say that for a number of years



1 the AMIP worksheets were sent out between October and
2 December of the year?

3 A. If they were sent out at all, that's generally
4 when we end up seeing them.

5 Q. Which years were you not sent an AMIP
6 worksheet?

7 A. I don't believe the first year we ever got one.

8 Q. So in fiscal year '98 you did not have an AMIP
9 worksheet?

10 A. I believe that's correct. I also believe we
11 didn't receive one the following year.

12 Q. In fiscal year '99?

13 A. I'm not 100 percent sure of that, but I believe
14 that's the case.

15 Q. In fiscal year 2000 through fiscal year 2003,
16 you did receive AMIP worksheets.

17 A. Yes.

18 Q. Correct me if I'm wrong, but those worksheets
19 would have how the AMIP would be calculated if it was
20 earned at the end of the year.

21 A. The worksheet laid out the -- how the -- your
22 eligibility. So, for example, my eligibility is
23 25 percent. It would have my salary at the top, it would
24 say 25 percent was what I'm eligible for equals this



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1 amount you're eligible for.

2 That amount was then broken down to say
3 here's the criteria. Of that 25 percent, here's how
4 we're going to weight that based upon a number of
5 factors, mostly having to do with the corporation's
6 success and the financial things they were trying to
7 meet. So ROI or revenue or whatever the specific things
8 would be. And each one of those would have a weighting
9 which added up to 100 percent that would say of that
10 25 percent, here's how it's broken down. If the company
11 achieved this goal, you would get 100 percent or possibly
12 more or less if they didn't achieve it of that portion of
13 the AMIP. And then some years there was also some
14 personal goals. Some years they were not set up.

15 Q. So the worksheets that you received laid out
16 the formula for how the AMIP would be earned at the end
17 of the fiscal year?

18 A. How they planned to pay the AMIP at the end of
19 the year. We all knew for the full year that it was
20 based -- the whole AMIP program is based on the
21 performance of the corporation for that fiscal year.
22 From day one you knew you had to work hard to make sure
23 that you were doing as much as you could to contribute to
24 what you could effect.



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1 Q. You knew that because of your offer letter when
2 you came over from DuPont?

3 A. That's correct.

4 Q. The formula for AMIP calculations in this
5 worksheet would change every year, correct?

6 A. To be clear, the amount that I was eligible
7 for.

8 Q. The percentage?

9 A. The percentage that I'm eligible for of my
10 salary would be consistent with what I was told in
11 previous years.

12 Q. You're saying that was 25 percent?

13 A. I originally started at 22 percent and was
14 moved to 25 percent somewhere in my career when I got
15 moved to a new position. I moved from a level 5 position
16 to a level 6 position with CSC to a senior manager
17 position and my AMIP was adjusted at some point to
18 25 percent. Started out 22 and moved to 25.

19 Q. When you were a level 5, it was at 22 percent?

20 A. Yes.

21 Q. And when you were moved to a level 6 position,
22 it went to 25 percent?

23 A. Not directly, but sometime after I was a
24 level 6, they adjusted it to 25 percent eligibility.



1 Q. Not right away, but at some point later on they
2 adjusted it to 25 percent?

3 A. Right. Back to your question about --

4 Q. That percentage, whatever it was, that stayed
5 the same year to year while you were in that level.

6 A. Right.

7 Q. Other than that percentage, the remainder of
8 the formula would change year to year?

9 A. The exact -- which factors are going to have
10 more weight and less weight would change year to year,
11 yes.

12 Q. First of all, the factors themselves would
13 change, correct?

14 A. Yes. They could change.

15 Q. Some years it might be ROI, meaning return on
16 investment; some years it might be earnings per share?

17 A. Correct.

18 Q. Some years it might be revenue?

19 A. Correct.

20 Q. Some years it might be operating expenses?

21 A. Correct. Generally it was a combination of all
22 those things. Sometimes a couple things were on and off.

23 Q. So those factors themselves would change?

24 A. Yes.



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1 Q. In addition, the targets would change, correct?

2 A. Yes.

3 Q. The amount of return on investment or the
4 amount of earnings per share or the amount of operating
5 expenses or the amount of revenue would change?

6 A. Correct. That's true.

7 Q. In addition, the weightings would change?

8 A. Yes.

9 Q. That is, the amount of emphasis that was placed
10 on any one particular factor may vary year to year?

11 A. Yes, that's true.

12 Q. Those were corporate goals and objectives that
13 were part of the AMIP formula, correct?

14 A. That's pretty much the corporate section, yes.

15 Q. In addition to the corporate section, there
16 were also group or division goals and objectives?

17 A. Some years there were, some years there were
18 not.

19 Q. Some years, but not all years, it might be the
20 Chemical Division's objectives that were factored into --

21 A. Correct.

22 Q. -- the AMIP calculation.

23 A. Correct.

24 Q. Again, they may have factors of expenses,



1 revenue, income only particular to that Chemical Group.

2 Correct?

3 A. That's correct.

4 Q. Again, the targets for those objectives would
5 change year to year?

6 A. That's correct.

7 Q. And the weightings for those factors would
8 change year to year?

9 A. That's correct.

10 Q. And then in addition to the company objectives
11 and the group objectives, some years, but not all years,
12 I gather, there were also individual performance
13 objectives?

14 A. Correct.

15 Q. Do you remember which years had individual
16 performance objectives?

17 A. Not specifically which years. Probably about
18 two of the years because they started desiring to try to
19 get to some of those things. Some years they got to
20 that, some years they did not.

21 Q. So maybe of the six years that you received the
22 AMIP, two years had individual performance objectives?

23 A. That's what I was going to say if you had asked
24 me about my recollection, about two years.



1 Q. That's your best estimate?

2 A. My best estimate, yes.

3 Q. And those performance objectives, when they
4 were included, had different targets.

5 A. Yes. The personal objectives were generally,
6 if I recall, no more than 20 percent of the total -- if
7 everything added to 100 percent, they were a very small
8 portion of the overall way you could achieve.

9 Q. The personal objectives were, let's say, less
10 than half of the overall weighting?

11 A. Yes.

12 Q. Towards the AMIP bonus.

13 A. Yes.

14 Q. Maybe one year it was 20 percent and maybe
15 another year it was 25 percent.

16 A. Yeah.

17 Q. The weightings changed, but it was less than
18 50 percent?

19 A. Yes.

20 Q. In addition to the weightings change, the
21 targets for the personal objectives, the goals for the
22 personal objectives would change?

23 A. Yes.

24 Q. What were the personal objectives that you can



1 recall, if you can, that were measured?

2 A. Things like that would go above and beyond what
3 your normal assignment would be to help out -- generally
4 to help out the corporation, an achievement of those
5 types of things and the financials up top. Like help do
6 things to gain more revenue in this area or -- having
7 done some of these -- I had a group of people that I had
8 to administer the program, as well. They were generally
9 keeping your costs down or generating more revenue in a
10 certain area or doing a program that would -- like a SIX
11 Sigma-type program to help understand how you can
12 contribute to the financial -- that's what AMIP is based
13 off of. That was the biggest part of the thing was to
14 incent the right behavior of the people to help the
15 corporation achieve their financial goals.

16 Q. The personal objectives might have operational,
17 financial, or other kinds of components to them.

18 A. Depends on the individual's job. Yes.

19 Q. It might be getting a project in on time or
20 completion of a certain project.

21 A. Generally not those kind of things because
22 those kind of things were more your regular work
23 assignment. You're expected to do those things. That's
24 a little different than kind of going above and beyond to



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1 do some things.

2 Q. Do you have a specific recollection of any
3 specific individual performance objective?

4 A. Not off the top of my head, no, I can't
5 remember.

6 Q. So it might be the rollout of a product or a
7 service or achieving a certain service delivery level.

8 A. Yes. Could be -- I think there was some
9 objectives around the group ones around those things
10 which a lot of people had to contribute to. It's hard
11 because individual service level -- an individual can't
12 specifically impact the service level, but as a group you
13 could.

14 Again, this was targeted at those employees
15 in influential positions that contributed to the
16 corporate, financial, and account health and were leading
17 other people in doing those things. So it was generally
18 objectives around those types of areas. I can't remember
19 specific ones in that area.

20 Q. But they would change person to person and year
21 to year?

22 A. Yes.

23 Q. Are you a member of any professional
24 associations?



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1 A. No.

2 Q. You would agree that you are an at-will
3 employee, correct?

4 A. By Delaware law you mean?

5 Q. Yes.

6 A. Yes. In the fact that I should get paid for
7 the contributions I make to my employer, yes.

8 Q. Maybe you're not familiar with the
9 term "at-will."

10 A. At-will means I'm employed at-will between
11 myself and the corporation, I believe. I either can
12 terminate that employment or change the terms of that
13 employment at will.

14 I also believe that the law states that you
15 should be paid for the work that you do while you're in
16 employment for that corporation.

17 Q. Understood. You had no contract of employment,
18 though, correct?

19 A. No.

20 Q. Is that correct?

21 A. Not an official contract. I have this offer
22 letter.

23 Q. Other than your offer letter, though?

24 A. No other official contract, no.



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1 Q. No other unofficial contract?

2 A. No. Correct. The offer letter was my
3 employment offer.

4 Q. That's it. While you were at DuPont, were you
5 eligible for any bonus plan or bonus?

6 A. I was in DuPont's variable compensation plan.

7 Q. Is that what it was called, variable
8 compensation plan?

9 A. It was called variable compensation in DuPont.

10 Q. Was that abbreviated VCP?

11 A. VC I think they called it, yes.

12 Q. Is that considered a bonus?

13 A. Yes. It's very similar to this AMIP's program
14 in that it's contributions to DuPont's health and
15 financial health.

16 Q. Did DuPont have worksheets like AMIP?

17 A. Again, varied from year to year. Sometimes
18 yes, you had some objectives against that. Sometimes
19 they didn't get around to getting them out. But it's
20 fundamentally tied to the company's performance and your
21 performance within that.

22 Q. While at CSC the first set of worksheets you
23 would receive in those years that you received them,
24 those worksheets were not filled out because the year had



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1 not completed, correct? The formula was laid out, but
2 the metrics were not completed.

3 A. Right. We received it in the time frame you
4 mentioned.

5 Q. October through December.

6 A. We received okay, we finally settled on exactly
7 how the weighting is going to be.

8 Q. The formulas?

9 A. Right. At the end of the year when you
10 actually got your payout in the years they had the thing,
11 you basically got the same form with the actuals filled
12 in and showed the percentages that were actually paid and
13 tied to me, here's your total amount for me.

14 Q. Let me just see if I understand this. You
15 would receive, let's say, not a blank worksheet but an
16 uncompleted worksheet in that October-to-December time
17 frame and then the worksheet would be completed after the
18 close of the fiscal year once the financials and other
19 targets and objectives can be measured.

20 A. It was filled out to the point that said here's
21 the measure.

22 Q. Here's the formula?

23 A. Here's the objective, here's the percent
24 weighting, and here's what that would mean to you if we



1 meet 100 percent of that. The next couple of columns
2 said here's the actual, here's the actual objective.

3 Q. Achievement?

4 A. Achievement. Here's the percent that equals
5 which could be anywhere technically from 0 to 150 percent
6 of that payment. Here's what this means to you. With a
7 total at the bottom.

8 Q. So the places on the form, the worksheet form,
9 that had actuals and achievements and how that flowed
10 through in terms of the percentage calculation, those
11 were not filled out until the company could actually
12 report its financials and other objectives and otherwise
13 measure its results?

14 A. Correct. Or the group could measure theirs,
15 correct.

16 Q. That was done after the close of the fiscal
17 year?

18 A. Correct.

19 Q. And the fiscal year -- I think we all know
20 this -- so everybody is clear is April 1 through
21 March 31?

22 A. Of the following, yes, correct.

23 Q. So that just as an example, the fiscal year for
24 2004 ran from April 1, 2003, through March 31, 2004?



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1 A. That would be correct.

2 Q. So after the close of the fiscal year, it would
3 take some time to fill in that last little bit of the
4 worksheet to measure the objectives versus the actuals?

5 A. Right.

6 Q. When was that done?

7 A. Generally it was done after the close of
8 books -- I believe it takes easily about a month to close
9 the financial year books. That would usually be done in
10 the May time frame and the payouts usually happened -- it
11 varied between late May and mid-June. Sometime in that
12 time frame.

13 Q. You would receive the completed worksheets back
14 to you to show you how the AMIP was calculated, correct?

15 A. To show you what you would see in your paycheck
16 before it came. Usually they made it before your
17 paycheck came, not always.

18 Q. What was the amount of VC you received while at
19 DuPont? What did it range from?

20 A. At DuPont -- I can't remember my exact salary.
21 22 percent of my salary is what I was eligible for.

22 Q. What did that range up to? Do you remember the
23 highest amount of VC you received?

24 A. Off the top of my head, I do not remember, no.



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1 Q. Approximately.

2 A. I'm guessing \$20,000. That's a complete guess,
3 though, without looking at the numbers.

4 Q. You received an offer letter when you came over
5 to CSC, correct?

6 A. Yes.

7 Q. It's the offer letter that explained to you
8 what benefits and terms and conditions of employment you
9 were going to receive once you came over?

10 A. That's correct.

11 Q. That laid out the AMIP bonus?

12 A. Yes, it laid out what my eligibility would be
13 in the AMIP program.

14 Q. Other than that offer letter, you did not
15 receive anything else related to AMIP, correct?

16 A. At the start of my employment with CSC do you
17 mean?

18 Q. During this transitional time frame.

19 A. I believe that is correct.

20 Q. Did you have any discussions about AMIP with
21 anybody?

22 A. Yes. There was a number of town hall meetings
23 held by HR on the transition period as CSC usually does
24 when they bring in a new outsourcing arrangement, and



1 there was one -- I believe there's one specifically
2 around the people eligible for the AMIPs to ask questions
3 and stuff about it.

4 Basically it was pretty much the same as
5 DuPont's was treated. There was financial objectives
6 that would meet and everybody needed to work towards
7 meeting those things to be able to receive the bonus and
8 it was determined at the end of the fiscal year and paid
9 out after the end of the fiscal year in a similar
10 fashion.

11 Q. Did they explain the worksheets?

12 A. No, they did not talk about worksheets at all.
13 Again, I don't know this for a fact, but it doesn't seem
14 like the corporation actually had specific worksheets at
15 that time. I don't know that for a fact, but we didn't
16 receive it for at least two years.

17 Q. Do you remember anything being said
18 specifically during those town hall meetings?

19 A. Not specific facts.

20 Q. Who led them?

21 A. It was one of the HR persons. Dot Eltzroth was
22 very heavily involved. She was the head HR person. It
23 could have been her or one of the key people working on
24 the transition. CSC usually puts a transition person in



1 with transition employees. It could have been any number
2 of HR people that would have done that. I can't remember
3 the specific date or time or specific things discussed.

4 Q. Other than your offer letter, you weren't given
5 any information about AMIP; is that right?

6 A. That's correct. At that time, that's right.

7 Q. Have you ever seen an AMIP plan other than the
8 worksheets?

9 A. You mean how the plan's administered?

10 Q. Yes.

11 A. Yes, I have.

12 Q. Where is that?

13 A. Where have I seen that?

14 Q. Yes.

15 A. As a manager of people, I received an AMIP
16 administration plan, for lack of a better term. How the
17 AMIP is administered.

18 Q. A chemical-specific --

19 A. It talked about both the corporate and the
20 chemical-specific application of that for our group.

21 Q. Is that something that you have in your
22 position?

23 A. Not right here with me, but yes, I have it in
24 my possession.



1 Q. Was that produced during the course of
2 discovery?

3 A. I do not know. I believe I produced that. I
4 don't know if it was --

5 Q. You gave that to your attorney?

6 A. I believe so.

7 MR. SEEGULL: Have you produced that?

8 MR. WILSON: I don't know. I'd have to
9 look.

10 MR. SEEGULL: We will have to take a break
11 and talk about that. I'm not sure if we have it or not.
12 We may.

13 BY MR. SEEGULL:

14 Q. That's something that all managers have?

15 A. All managers who would administer the program
16 would have had that. Should have had that, yes.

17 Q. Talks about not just AMIP but talks about a lot
18 of compensation plans, salary issues, and other kinds of
19 compensation?

20 A. The thing I have I believe is specifically on
21 AMIP. We received a -- there was different
22 communications about different things. Yes. There were
23 different -- in the Chemical Group talked about general
24 salary information. There was information on that.



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1 There was information on how to administer the AMIP
2 program. There's also some other special programs that
3 were run in trial basis in the -- in the Chemical Group I
4 guess it was called. There's a program that was tried
5 there to incent people on some things. There's
6 documentation about that. All those things were separate
7 things.

8 Q. Weren't they all included in one manager's
9 handbook?

10 A. Could have been one year. I'm not sure
11 100 percent.

12 Q. You received them each year or just certain
13 years or just one year?

14 A. I believe I have at least -- I believe I got at
15 least two years. I was in a role of actually
16 administering employees for at least two full years. I
17 think the third year probably I moved on to a slightly
18 different assignment. I didn't have employees to
19 administer, so I would not have received a program guide
20 that year.

21 MR. WILSON: Could we go off the record?

22 (Discussion off the record.)

23 BY MR. SEEGULL:

24 Q. Other than what you received as a manager, did



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1 you receive anything else regarding AMIP during your
2 employment with CSC and other than the worksheets?

3 A. No.

4 Q. Have you ever seen the AMIP plan itself or the
5 AMIP policy? Are you aware of any AMIP plan or policy
6 other than what you received as a manager?

7 A. There's something, I believe, online about the
8 AMIP program. I'm not sure if I actually received a
9 specific here's the full AMIP plan, corporate-type plan.
10 Most of my knowledge comes from the actual plan summary
11 and application to the Chemical Group.

12 Q. You have been in the Chemical Group the entire
13 time you have been at CSC?

14 A. No. I moved out of the Chemical Group when I
15 took this new assignment that we discussed previously.

16 Q. What group did you move into at that time?

17 A. I'm currently in the new business organization
18 of Global Infrastructure Services.

19 Q. That's separate from Chemical?

20 A. Completely separate from Chemical Group,
21 correct.

22 Q. So that would be up until August of 2004 you
23 remained in the Chemical Group?

24 A. Yes.



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B-0511

1 Q. Who was the head of the Chemical Group during
2 that period of time?

3 A. It changed -- when we first came over, it
4 was -- I can't remember the very first guy's name, but
5 basically it was Mike Beebe took over. Then Russ Owens
6 came in as president of the Chemical Group. Then after
7 Russ left, the Chemical Group, per se, was moved to a
8 little different organization and they put in
9 Nick Wilkinson, who I believe is still the current leader
10 of that organization.

11 Q. I'm sorry. Do you remember when you changed
12 from a level 5 to a level 6, or was it level 4 to
13 level 5?

14 A. It was 5 to 6. Within the CSC time frame I
15 can't remember the exact -- I believe it was fairly early
16 on. I'm going to guess 1998.

17 Q. You think within that first year?

18 A. Yeah. First year, year and a half. Sometime
19 in that time frame.

20 Q. Did your salary increase each year you were at
21 CSC?

22 A. We got increases every year. Some were more
23 than others.

24 Q. You received an AMIP bonus each year you were



1 at CSC up until fiscal year 2004?

2 A. Yes.

3 Q. You received one for fiscal year 2005?

4 A. I received a prorated amount for 2005, yes.

5 Q. How much did you receive for fiscal year 2005?

6 A. I cannot remember off the top of my head the
7 exact amount.

8 Q. The company, when it took you out of AMIP
9 eligibility, it replaced that with a discretionary bonus,
10 correct?

11 A. The letter said that I would be eligible for a
12 discretionary bonus; however, that program itself is
13 eligible to any employee. That was nothing special, in
14 my mind. The discretionary bonus could be given to any
15 employee at any time for any reason as long as approved
16 by the vice president.

17 Q. Isn't it true the discretionary bonus is in
18 lieu of the AMIP?

19 A. I did not think the letter told me that, no.

20 Q. Are you aware of anybody that's ever received
21 both an AMIP and a discretionary bonus?

22 A. I'm not aware of anybody, no, but it would
23 not -- I do not believe the policies prevent that from
24 happening.



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B-0513

1 Q. Have you ever seen the discretionary bonus
2 policy?

3 A. I believe I have, but I couldn't cite it, only
4 because they have always asked if there's anybody -- if
5 you want to do this, this is the process to use. It's
6 basically the communication we have had from HR.

7 Again, in my manager role it was always a
8 tool I could use for employees who did exceptional things
9 to contribute to the company.

10 Q. Have you ever awarded a discretionary bonus to
11 anybody?

12 A. I have not, no.

13 Q. Did you receive a discretionary bonus at any
14 point in time?

15 A. No, I did not.

16 (Deposition Exhibit No. 28 was marked for
17 identification.)

18 BY MR. SEEGULL:

19 Q. I'm now showing you what's been marked as
20 Exhibit 28. Do you recognize this?

21 A. It appears to be the offer letter.

22 Q. This is the offer letter that was given to you
23 when you were transitioned from DuPont to CSC, correct?

24 A. It looks like it, yes.



1 Q. You were provided this on March 7th, 1997?

2 A. That's the date it says there.

3 Q. You never signed this, did you?

4 A. Yes, I did. Sure I did. I'm sure I did.

5 Q. Why do you assume that?

6 A. Because to get employment you had to sign this
7 and turn it in.

8 MR. SEEGULL: Do you have a signed version
9 of this, Mr. Wilson?

10 MR. WILSON: All I know is what I have with
11 me, and, no, I don't. But we may in the file.

12 THE WITNESS: I can tell you that I know I
13 had to sign this. To get a paycheck, you had to sign
14 this to accept the offer.

15 BY MR. SEEGULL:

16 Q. If it's not in your file, that would mean you
17 didn't sign it, correct?

18 A. I disagree. I know I signed this and sent it
19 in.

20 Q. This is the offer letter you were speaking
21 about before, correct?

22 A. Offer letter to come and work for CSC, yes.

23 Q. This is the one that you were talking about
24 that referred to the incentive plan?



1 A. The AMIP program as described in the paragraph
2 here, yes.

3 Q. The paragraph that starts "In addition"?

4 A. Correct.

5 Q. You understood that the changes that were made
6 to remove you from eligibility of the AMIP were not made
7 to you because of anything that you had done personally.

8 A. You mean the reason I was removed was not
9 because of specifically my performance. Is that what
10 you're asking me?

11 Q. Right.

12 A. Yes.

13 Q. In other words, it wasn't a personal decision,
14 correct?

15 A. As far as I know, it was not a personal
16 decision, that's correct.

17 Q. That was a company decision, correct?

18 A. The letter implied that it was a reassessment
19 of our role and that it would be -- the role I was in.
20 That I would be removed from the program based upon that
21 assessment.

22 Q. It wasn't an assessment of your particular
23 role, correct?

24 A. I don't believe it was. Not my specific role,



1 no.

2 Q. The decision that was made to change
3 eligibility to remove you from eligibility, that was made
4 across the board for certain salary levels.

5 A. I believe it was. While we're on the subject,
6 I don't believe it was also done consistently. I am
7 pretty sure, although not a hundred percent sure, that
8 there was at least one individual in my direct work group
9 at the same level who remained on the program with the
10 same role.

11 Q. You're speculating?

12 A. Yes.

13 Q. You're saying somebody received an AMIP but at
14 a lower level?

15 A. No. Somebody remained in the AMIP program at
16 the same role --

17 Q. And their level was raised?

18 A. No, I do not believe so.

19 Q. Who is this that you're talking about?

20 A. Robert Carden.

21 Q. Bob Carden?

22 A. Yes.

23 Q. What level was he at?

24 A. Same level I was, level 6 at the time.



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1 Q. You believe that, even though he was a level 6,
2 he was allowed to remain eligible for AMIP?

3 A. I believe so, yes.

4 Q. Why was that?

5 A. I do not know.

6 Q. Have you ever discussed that with him?

7 A. Not with him, no.

8 Q. Who have you discussed it with?

9 A. When we first talked about this in general,
10 we'd say is everybody going to be out of here, we believe
11 that he was not removed from the program.

12 Q. Who told you that?

13 A. It was never specifically told.

14 Q. This is really just hearsay and gossip?

15 A. Yes. But I believe we could find that
16 information out by pulling that record. Although it's
17 not my personal knowledge to see Bob's financial payment
18 records, but I believe we could find that it would be
19 true.

20 Q. It's just hearsay and gossip at this point?

21 A. Yes, at this point that would be true.

22 Q. And that has no bearing on your case, correct,
23 Bob Carden's --

24 A. Not specifically. You asked if it was done



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1 equitably and across all roles. My thing was I don't
2 know that it was. That's why I answered the way I did.

3 Q. But the decision was based upon levels,
4 correct?

5 A. That's what they led us to believe, yes.

6 Q. That's what you understand happened?

7 A. That's what I understand happened, yes.

8 Q. If there was some kind of exception made for an
9 outstanding individual performer, that doesn't mean that
10 the decision was made based upon level, correct?

11 A. That's probably correct, yes.

12 Q. You understood that AMIP was reserved for
13 senior-level managers, correct? That was the intent?

14 A. I understood that the AMIP program was eligible
15 for senior-level personnel and managers that were
16 contributing to the bottom line of the corporation, yes.

17 Q. And the intent was to make it consistent across
18 the board, correct?

19 A. The AMIP program in general?

20 Q. The change.

21 A. That's what they said the change was to do,
22 yes.

23 Q. Explain that. What did they tell you? This
24 was Bob Tattle?



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1 A. This was Bob.

2 Q. Bob Tattle?

3 A. Yes, Bob Tattle. During our discussion about
4 being removed, he said the corporation's attempting to
5 make this consistent across the corporation. So they
6 assessed our role, my role, my pay grade role and what
7 I'm doing and said I'm no longer eligible.

8 Q. The reason this was done for the Chemical Group
9 was because the Chemical Group had people that had been
10 in AMIP for several years below the level that other
11 groups had as a threshold for AMIP eligibility?

12 A. I don't know the exact reason why. I can't say
13 why.

14 Q. But that's what you were told?

15 A. I don't think I was ever told that specific
16 thing.

17 Q. Wasn't the point of this change to make the
18 DuPont account and the Chemical Group more consistent
19 with other sections of the company?

20 A. That was never specifically said to me.

21 Q. Nothing like that?

22 A. Uh-uh.

23 Q. No?

24 A. No. No. Sorry.



1 Q. You were first notified that you were no longer
2 eligible for AMIP verbally?

3 A. Well, verbally and with the letter at the same
4 time.

5 Q. It was at the same time?

6 A. Yes.

7 Q. In a meeting?

8 A. Yes. In a meeting with myself and Bob Tattle.

9 Q. Anybody else in that meeting?

10 A. No.

11 Q. Tell me everything you remember Bob telling
12 you.

13 A. Bob told me that the corporation has assessed
14 my eligibility for the AMIP program and I'm no longer
15 eligible and basically asked me to read the letter and he
16 asked me to sign the letter. And I said, well, I needed
17 some time to think about it, to assess signing the
18 letter. And that was about the end of the meeting.

19 Q. Are you saying he really didn't tell you much
20 at all, he just handed you the letter and asked you to
21 read and sign it?

22 A. He told me that they're trying to balance the
23 program out. Never specifically said about the Chemical
24 Group, per se. That's why I said no. But trying to get



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1 the AMIP program changed to put the -- change the level
2 of the things and I would no longer be eligible.

3 Q. After he did this, did you continue to stay in
4 the same role you were in as you were previously?

5 A. Yes.

6 Q. You continued to perform your job duties and
7 responsibilities as you had before?

8 A. Quite honestly, since I wasn't contributing, I
9 wasn't eligible anymore, I probably did not go the extra
10 mile as I had before to help achieve my part of the bonus
11 because my compensation changed at that point.

12 Q. So you worked less hard?

13 A. I guess you could say in certain ways, yes. I
14 didn't go over and above to help make sure we achieved
15 the financial goals.

16 Q. Because you no longer considered yourself as
17 having any role to play in achieving company financial
18 goals?

19 A. I believe now that I was being -- my
20 interpretation of the conversation was I was no longer
21 going to be compensated for work that would contribute to
22 achieving a certain level of compensation and that the
23 work that I did before that time up until that time to
24 contribute towards that goal was no longer necessary for



1 me to achieve my normal salary. The recovery and above
2 work.

3 Q. What did you stop doing?

4 A. I stopped doing some of the extra programs,
5 some of the extra things, some of the extra hours to
6 analyze things to drive out costs and other things that
7 helped to contribute to some things.

8 Q. You saw ways to drive out costs, but you
9 figured you wouldn't work to do that?

10 A. I didn't go that extra mile to do that. I
11 worked with -- my specific role was working with the
12 client that I was assigned to, which in this case was
13 DuPont Engineering, working with them, making sure we
14 delivered the CSC services to DuPont and help them
15 utilize CSC's service where they could and more.

16 But there was a lot of extra things to help
17 the general group outside of my specific role that, yeah,
18 if I was asked to do something specifically, I would, but
19 I didn't jump the extra mile to go ferret things out at
20 that point.

21 Q. What did you stop doing?

22 MR. WILSON: Objection.

23 A. I stopped -- I did a lot of analysis around our
24 hours, our billing hours, those kind of things, above and



1 beyond to see where we could optimize some things or if
2 we were spending too much time here and there to help, in
3 this case, Bob Tattle with some of his optimization of
4 the application group. Those kind of things.

5 Q. Anything else?

6 A. Off the top of my head, a couple years ago, no.

7 Q. This analysis of hours that you did, you did
8 that before you learned that you were no longer eligible
9 for AMIP bonus?

10 A. I'm sorry. Ask the question again.

11 Q. This analysis of the hours that you did, you
12 only did that before you learned about AMIP eligibility.
13 Is that your testimony?

14 A. Before I was no longer eligible you mean?

15 Q. Yes.

16 A. Yes, I did some of those things. That's an
17 example of some of the types of things I might have done
18 beforehand I didn't necessarily volunteer the extra time.

19 Q. I'm confused. This analysis of the hours, did
20 you do that before September of '03?

21 A. Yes, I believe I did.

22 Q. Did you do it after September of '03?

23 A. I don't think -- I don't think I went about the
24 extra mile to do stuff like that.



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1 Q. I'm just asking you, did you do it or not do
2 it?

3 A. I don't know.

4 Q. You might have done it after September '03?

5 A. Might have.

6 Q. If we pull your computer records to see how
7 many hours you were logged onto your computer before
8 September '03 versus after September '03, do you think
9 there would be a difference?

10 A. Possibly.

11 Q. Not possibly?

12 A. Probably would.

13 Q. You think there would be?

14 A. Uh-huh.

15 Q. How much of a difference do you think there
16 would be?

17 A. I was probably putting in closer to 50 hours a
18 week before that time. Probably moved down to closer to
19 40. I'm not saying exactly. Just generally.

20 Q. If that didn't occur, then your testimony would
21 be false about putting in extra hours, correct?

22 MR. WILSON: Object to the form.

23 A. Can you ask the question again?

24 Q. If that didn't occur, then your testimony about



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1 putting in extra hours would be false, correct?

2 A. I don't know that I could make that assessment.

3 Q. Your computer records would show the answer,
4 right, one way or the other, how many hours you worked?

5 A. You mean the time my computer was on?

6 Q. Yes.

7 A. I might be working with my computer off. I
8 don't understand where you're trying to drive here.

9 Q. You would have your computer on and not
10 working?

11 A. At times.

12 Q. Logged in?

13 A. Could be. Sometimes you leave it on all night
14 when you go home.

15 Q. Is that what you do?

16 A. I have done that before.

17 Q. But not regularly, Mr. Miller.

18 A. When I had a laptop, no, because I turn it off.
19 But if I had a desktop -- when I had a desktop, yeah.

20 Q. When did you have a desktop?

21 A. I don't remember.

22 Q. I'm confused. Are you saying you started
23 taking it easier once you were no longer AMIP-eligible
24 and no longer worked as hard?



1 A. I started to do what my specific assignment was
2 for what I was being compensated for and --

3 Q. You didn't work to your best abilities?

4 MR. WILSON: Object to the form.

5 A. I worked to the best of my abilities in the
6 role I was assigned, what I believe I was being
7 compensated for at that time after they gave me that
8 information. I believe CSC could have gotten a lot more
9 out of me had they continued to contribute to the work
10 that I was doing before I was told I was no longer
11 eligible. I was working and earning towards that bonus.

12 So I was putting all of my capabilities and
13 skills towards that, plus more. After that it now became
14 I was told I was not going to be compensated anymore for
15 that extra skill that I would have had.

16 Q. Then you just did the best you could in your
17 job?

18 A. Yeah, to meet the requirements of the job and
19 the client.

20 Q. Your performance doesn't have anything to do
21 with this case, correct?

22 A. You mean my performance --

23 Q. Your performance, how well you performed in
24 your job.



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1 A. Yeah. I don't think that's a factor in this
2 specific case, no.

3 (Deposition Exhibit No. 29 was marked for
4 identification.)

5 BY MR. SEEGULL:

6 Q. I'm now showing you what's been marked
7 Exhibit 29. Do you recognize this?

8 A. Yes, I do.

9 Q. What is it?

10 A. This is a letter that I was handed by
11 Bob Tattle at the time explaining that I would be no
12 longer eligible for the program.

13 Q. This is the letter we have been talking about?

14 A. Yes.

15 Q. You said you received this sometime in
16 September, but you dated it October 10th, 2003. Why is
17 that?

18 A. I received it in late September and Bob asked
19 me to get it back to him and that's when I had a chance
20 to sign it and get it back to him at that point in time.

21 Q. You signed this saying that you're
22 acknowledging receipt of the letter, not that you agree
23 with the reasons for the change or why they made the
24 change.



1 A. Correct.

2 Q. I want to show you what's been previously
3 marked as Exhibit 16. Ask you to take a moment to look
4 at that. It's a series of e-mails. I guess really just
5 two. One is from you.

6 A. Right.

7 Q. That's starting on the bottom of the first page
8 going over to the second and third page.

9 A. Yes.

10 Q. And on the top of the first page is an e-mail
11 to you.

12 A. Correct. To myself and other people, yes.

13 Q. You wrote this e-mail on the bottom starting on
14 the bottom of the first page?

15 A. Yes, I did.

16 Q. Did anybody help you write it?

17 A. Yes. It was on behalf of all the people listed
18 down here on the bottom of page 2. As the portfolio
19 managers, I volunteered to write this note after we had
20 all gotten together and talked about this.

21 Q. You were trying to convince management to keep
22 you on the AMIP program, correct?

23 A. That's correct.

24 Q. You were trying to make an argument as to why



1 you should still be eligible?

2 A. That's correct.

3 Q. You understood that CSC could make the decision
4 to remove you from AMIP, but you were hoping to convince
5 them not to do so.

6 A. With this letter, that's correct.

7 Q. You thought it would be a mistake to remove you
8 from AMIP?

9 A. That's correct.

10 Q. You knew they were making that decision based
11 upon cost, correct?

12 A. I assumed it was being made on costs, although
13 I never really knew why specifically.

14 Q. That's what you wrote, correct?

15 A. Okay. It says here at the time we understood
16 that they were willing to reduce costs. I was
17 probably -- there was a lot of rumors going around --
18 what prompted this note specifically was that we had all
19 heard a rumor that they were considering removing people
20 from the program because at this point in time in the
21 company's history, so to speak, they were having cost
22 pressures and we assumed that this was based upon the
23 cost pressures, this action, this possible action.

24 Q. You understood that it would, in fact, reduce



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1 costs in the short-term, but you thought from a long-term
2 perspective it did not make sense from a cost
3 perspective, correct?

4 A. That's what I believe the essence of this note
5 is, yes.

6 Q. There were lots of rumors that this was about
7 to happen, correct?

8 A. Yeah. They kind of surfaced about right the
9 week that this note was written, because we got together
10 very quickly to discuss this.

11 Q. You never stated in this e-mail that removing
12 you from AMIP was illegal in any way, correct?

13 A. I don't think I said anything like that, no.

14 Q. You never said anything about the need to
15 prorate you for the period of time that you were in AMIP
16 or for the year.

17 A. For this note, that's correct because this note
18 was focused more at to continue us on the program and not
19 trying to discuss any other impact of removing us. It
20 was more that we are a contribution -- this group of
21 people is a direct contribution to CSC corporation and
22 that what we have been doing AND continue to do would be
23 of benefit to them to keep us on.

24 Q. And Mr. Tattle told you that he would consider



1 your concerns?

2 A. His note responded here at the top of this note
3 describing what his perspective was after talking with,
4 looks like, Nick Wilkinson and Chris Weaver, who was his
5 vice president and Mary Joe Morris.

6 Q. He said he would contact you with the final
7 outcome?

8 A. Yes.

9 Q. That's when he spoke to you in September?

10 A. Right. I assume he spoke to everybody
11 individually in September. He spoke to me specifically.

12 Q. Have you told me about all the communications
13 you had with Mr. Tattle about AMIP?

14 A. We had, I think, at least one other discussion
15 asking me to sign this letter, but I believe that's
16 pretty much it, yes. About this specific -- this whole
17 specific area of when I was terminated, yes.

18 Q. Not terminated, but when you were removed from
19 eligibility?

20 A. Removed from the program, yes.

21 Q. You've told me about everything Mr. Tattle and
22 you discussed about the change to the AMIP plan.

23 A. That I can recollect, yes.

24 Q. Is there any other way that you would be able



1 to recollect other conversations?

2 A. Virtually everything else that is not here
3 would have been verbal. Unless I can remember it, no.

4 Q. You can't remember it now?

5 A. Right.

6 Q. You won't be able to remember it two months
7 from now, correct?

8 MR. WILSON: Object to form.

9 A. I might be able to. I can't remember right at
10 this moment, no.

11 Q. Why don't you take your time and take as much
12 time as you need to think about any other conversations
13 you had with Mr. Tattle if there are any.

14 A. We discussed about signing the letter. I'm
15 sure I explained my frustrations with that whole problem.

16 Q. Did he agree with you that the company decision
17 was right or wrong or did he say anything about that?

18 A. He was doing his role in explaining the
19 situation. My personal reading of the body language and
20 the way he presented it, he was very uncomfortable having
21 to have the conversation. I took that to mean
22 personally. The body language and the way he presented
23 it was that he did not think this was the best and most
24 ethical thing to do, but that he was doing his role to --



1 as my supervisor and I was his employee, he had to do
2 this.

3 Q. But he didn't say anything about him
4 disagreeing with the decision in any way?

5 A. He was very careful not to say that.

6 Q. Other than his body language --

7 A. Actually he may have said words such that "I'm
8 not saying I agree or disagree with the decision,
9 however" --

10 Q. This is the decision?

11 A. -- "this is the decision."

12 Q. So other than that, he never indicated to you
13 one way or the other whether he agreed or disagreed.

14 A. Not unless there's something specifically --
15 it's says they're sympathetic to the argument which
16 implies that they didn't necessarily agree with it but
17 they had to carry forth with it.

18 Q. Other than what's in the e-mail --

19 A. That's pretty much what he had passed along.
20 Again, I understand the management role. You have to
21 execute the company programs.

22 Q. Did you ever talk with Dot Eltzroth about any
23 conversations with Mr. Tattle?

24 A. I talked to Dot Eltzroth about the specific



1 actions because she was in a different role at that time
2 and I knew Dot.

3 Q. Tell me about your conversation with her. When
4 was it? Where was it? Who was present?

5 A. It was Dot and I. It was soon after the letter
6 was given. I asked Dot specifically around what her
7 advice was with this thing. I know she had to be
8 careful -- I understood her position.

9 All she recommended to me at the time was
10 to ask your management what has changed with your job
11 assignment such that you're no longer in the program.
12 And I appreciated her -- I didn't want to put her in a
13 bad spot, so I didn't go any further because I didn't
14 want to affect -- it was a very short conversation. She
15 said, "You need to focus on what has changed in your job
16 that you're no longer eligible." I did ask those
17 questions. I probably asked Bob that question and never
18 got an answer to that.

19 Q. Anything else that Dot said to you?

20 A. That would have been it.

21 Q. Any other conversations with Dot about AMIP?

22 A. No.

23 Q. Any conversations with anybody else about AMIP?

24 A. We did have a group conversation with Nick at



1 some point in time.

2 Q. Nick Wilkinson? Is it Wilkinson or Wilkerson?

3 A. Wilkinson. I think it's spelled properly here,
4 Wilkinson. And he knows the group of us in this type of
5 role and he explained -- again, it was very careful, but
6 explained his sympathy for the situation; however, this
7 was the action that was being taken.

8 Q. Anything else that you remember being discussed
9 with Nick?

10 A. Not really, no.

11 Q. Did either Nick or Dot say they agreed or
12 disagreed with the decision?

13 A. Pretty much the same way Bob would have.

14 Q. Bob didn't say he agreed or disagreed.

15 A. Right.

16 Q. That was the same with Nick and Dot. Is that
17 the same with Nick or Dot, that they didn't say they
18 agreed or disagreed, they just said this is the decision?

19 A. I don't remember the exact words.

20 Q. Words to that effect?

21 A. Words to that effect, yes.

22 Q. You're aware that CSC didn't make a hasty
23 decision when it decided to remove people from AMIP in
24 fiscal year 2004, correct?



1 A. I'm not aware of what type of decision they
2 made or how long it took them to make it. No, I have no
3 idea.

4 Q. Do you know who made the decision?

5 A. I do not.

6 Q. Have you spoken to anybody about this case?

7 A. Yes.

8 Q. Who?

9 A. The other people in the case.

10 Q. The other plaintiffs?

11 A. Yes. Some of the other plaintiffs at various
12 times.

13 Q. Other than the plaintiffs, have you spoken to
14 anybody else?

15 A. My spouse.

16 Q. Anybody else?

17 A. No.

18 Q. Tell me what you have discussed with the other
19 plaintiffs.

20 A. Just about the basic foundation of the case and
21 what the status of things were, basically. That's about
22 it.

23 Q. Have you talked about whether or not you're
24 going to win the case?



1 A. No. Not directly win the case or not, no.

2 Q. You haven't talked about that at all with the
3 other plaintiffs?

4 A. We talked about what we believe our legal
5 grounds are and that we believe it's a fairly strong case
6 we have laid out. That's about it. But not anything
7 about when we win, we do this or something like that, no.

8 Q. Who has personal knowledge about this case or
9 about the facts giving rise to this case?

10 A. The plaintiffs.

11 Q. Anybody else?

12 A. I believe the people we talked about would have
13 some knowledge about that, Nick Wilkinson, Bob Tattle,
14 Dot Eltzroth. I would expect most of the administration
15 in CSC would have knowledge about the action. Maybe not
16 about the specific case.

17 Q. That's your guess?

18 A. That's my guess. I don't know that for a fact.

19 Q. Anybody else have any knowledge that would be
20 relevant to this case?

21 A. No.

22 Q. Do you have any debts at the present time?

23 A. Personal debts you mean?

24 Q. Any kind of debts. Yes.



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1 A. A mortgage and a car loan.

2 Q. Anything else?

3 A. And a home equity loan.

4 Q. Any credit card debts?

5 A. Yes. And credit cards, yes.

6 Q. How much do you have in credit card debt?

7 A. Probably right at this moment? Maybe about
8 \$5,000.

9 Q. How much is your home equity loan for?

10 A. The current balance is about \$8,000.

11 Q. Has anybody given any statements in connection
12 with this case?

13 A. Not that I'm aware of, no.

14 Q. Is there any other information which you have
15 not mentioned which is relevant to supporting your
16 claims?

17 A. Not that I know of.

18 Q. Have you told me about all the conversations
19 and things you remember that form the basis for your
20 case?

21 A. Yes.

22 Q. Is there anyone else that you have not
23 mentioned who can support your claims?

24 A. Nothing to think of.



1 MR. SEEGULL: Just give me a break.

2 (A recess was taken.)

3 BY MR. SEEGULL:

4 Q. Going back on the record. We don't have copies
5 of all this stuff, so I'm not going to use it as
6 exhibits. I want to identify it for the record. These
7 are Bates numbers that I'm reading in documents that have
8 been produced by Mr. Miller.

9 Miller 092 through Miller 098, Miller 087
10 through 091, Miller 084 through Miller 086, and this one
11 is D-10370 through --

12 A. I don't know if I have seen that one. That
13 would be a similar program, yes.

14 Q. All the documents that I just read to you,
15 those are the documents you were referring to as the
16 programs and policies and procedures --

17 A. Correct.

18 Q. -- that you had referenced that you had been
19 given as a manager and had been charged with
20 administering?

21 A. That's correct.

22 MR. SEEGULL: I have no further questions.

23 BY MR. WILSON:

24 Q. Since we were talking about the policies, I'd



1 like you to look at this document here. I'd like to have
2 that marked. Just take a minute and look at that.

3 (Deposition Exhibit No. 30 was marked for
4 identification.)

5 THE WITNESS: Okay.

6 BY MR. WILSON:

7 Q. Do you recognize that?

8 A. Yes.

9 Q. Can you tell me what that is?

10 A. I believe it's a program description for the
11 AMIP program for fiscal year 1999-2000.

12 Q. On the third page of this, the one that's
13 marked Miller 086, at paragraph 11, can you read the
14 first sentence in paragraph 11?

15 A. Yes. "At the beginning of each fiscal year,
16 all preceding year participants will be evaluated against
17 the participant's contributions as well as evaluated
18 against the AMIP program criteria to validate
19 participation eligibility for the current fiscal year
20 AMIP program."

21 Q. Is this your understanding as to how the AMIP
22 program worked?

23 A. Yes.

24 Q. Did you ever participate in this



1 decision-making?

2 A. Yes. As a manager, at the beginning of each
3 fiscal year, we did exactly this. We looked at all the
4 current eligible people and made a decision whether they
5 would continue or not and also evaluated proposals for
6 new additions to the program.

7 Q. Was every single person informed of whether he
8 or she would be participating or not?

9 A. The people that were continuing participation
10 were not necessarily informed, but anybody that was going
11 to be removed from the program was informed immediately.

12 Q. "Immediately" meaning?

13 A. As soon as possible after the decision was
14 made.

15 Q. The sentence says that it would take place at
16 the beginning of the fiscal year. Is that when it did,
17 in fact, happen?

18 A. Yes. We did these decisions in the March/early
19 April time frame of every year. That I participated in.

20 Q. Could you turn to the last page, Miller 090, at
21 paragraph 10. Is the first sentence in that paragraph
22 essentially the same?

23 MR. SEEGULL: Objection.

24



1 BY MR. WILSON:

2 Q. Would you read that sentence, please?

3 A. Yes. This is from the 2000 guide, I believe.
4 It says, "At the beginning of each fiscal year, all
5 preceding year participants will be evaluated against the
6 participant's contributions as well as evaluated against
7 the AMIP program criteria to validate participation
8 eligibility for the current fiscal year AMIP program."

9 Q. In the subsequent years did you have the same
10 meetings at the beginning of the fiscal year?

11 A. Of the years I participated, yes, they always
12 happened like that.

13 Q. Were the people that were going to have a
14 change in their AMIP status notified?

15 A. Yes. Anybody that was being changed in the
16 program was notified.

17 Q. When were they notified?

18 A. As soon as possible after the decision was
19 made. Generally within a week or two of the decision.

20 MR. SEEGULL: Go off the record.

21 (Discussion off the record.)

22 (Deposition Exhibit No. 31 was marked for
23 identification.)

24



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1 BY MR. WILSON:

2 Q. Can you take a minute and look at that?

3 A. Are these all the same?

4 MR. WILSON: Maybe my secretary didn't
5 divide them up.

6 (Discussion off the record.)

7 BY MR. WILSON:

8 Q. Can you tell us what this is?

9 A. This appears to be my pay stub from the last
10 pay period -- the pay period in which I received my AMIP
11 bonus for the years 2003, 2002, and 2001.

12 Q. With respect to the 2001 pay period --

13 MR. SEEGULL: Can I make a suggestion? Why
14 don't you do it all as a group?

15 MR. WILSON: Okay. I'm not sure if I can.

16 MR. SEEGULL: Just say is the bonus
17 reflected in the line that says "Bonus" for each of these
18 pay --

19 MR. WILSON: All right.

20 BY MR. WILSON:

21 Q. Are your AMIP bonuses reflected on these
22 documents?

23 A. Yes, it is.

24 Q. For 2001, what was your AMIP bonus?

